

SUPREME COURT NOMINATION

Mr. CARDIN. Madam President, article II, section 2, clause 2 of the Constitution provides that the President “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . judges of the Supreme Court.”

One of the most important constitutional responsibilities I have as a Senator is to provide advice and consent on a President’s Supreme Court nominee. A new Justice is someone who could serve for a generation or more and have a profound impact on the lives of all Americans for decades to come.

Recently, Supreme Court Justice Stephen Breyer announced that he would step down once the Senate confirms his successor. In his remarks, while reflecting on what he learned during his nearly three decades on the High Court, he said:

This is a complicated country. There are more than 330 million people, and my mother used to say it’s every race, it’s every religion—and she would emphasize this—and it’s every point of view possible.

Justice Breyer has built a reputation and cemented a legacy as a champion of civil rights and fought to protect American consumers and our very democratic system of government from the attempts to undermine our campaign finance system and weaken the sacred franchise of the right to vote. His thoughtful scholarship on the importance of safeguarding human rights and respecting international law will continue to influence democratic governments around the world for years to come.

When I think about a successor to Justice Breyer, I want to see someone who can serve as a strong and thoughtful presence on a Court that is tasked with some of the most complicated legal problems and questions in our Nation. Each new Justice is someone who could serve for a generation or more and have a profound impact on the lives of all Americans for decades to come.

The Supreme Court will make decisions on a broad range of issues, such as voting rights, healthcare, women’s reproductive freedoms, equal rights for women, climate change policy, gun safety, campaign finance, civil rights issues, and so much more. A nominee should represent the values of our Constitution in such a way that allows us to expand, not restrict, the civil rights of all Americans and keep powerful special interests and corporations in check.

The U.S. Constitution is not a perfect document, but its authors designed a system of government around the rule of law and protection from abuses of power. Abuses could come from special interests or the government itself. Our Constitution created the Supreme Court of the United States as the protector of our constitutional rights.

A Justice should have a healthy respect for the separation of powers and

checks and balances in our constitutional system. A nominee should strive to safeguard the independence of the judiciary and protect the prerogatives of each branch of government, including Congress and its duly-enacted laws. A strong nominee must be respectful of the diversity of the American experience and live up to his or her constitutional oath to uphold the Constitution and laws of the United States, as well as their judicial oath to “administer justice without respect to persons, and do equal right to the poor and to the rich.”

Thus far, 115 Justices have served in our Nation’s history, including Baltimore’s own Thurgood Marshall, who was the first Black Supreme Court Justice. It is long past time to improve diversity on our Nation’s Court, which promises “equal justice under the law” to all those who enter its hollowed chambers. The Supreme Court and its Justices should look more like the America it serves in both its demographic and professional diversity.

Madam President, I know you are aware that of the 115 Justices who have served throughout the history of the United States on the Supreme Court, 108 of those 115 are White males. We need greater diversity in our courts, and we need greater diversity on the Supreme Court of the United States.

In Maryland, for years, I have worked diligently when vacancies arise to recommend highly qualified lawyers to the President who will better diversify our Federal bench. Our Federal district court in Maryland consists of 10 active district court judges who sit in Baltimore and Greenbelt. I am proud that our court reflects the breadth and depth of the demographic and professional diversity in Maryland, including the first Black woman to serve as a Federal judge in Maryland and the first Asian-American Federal judge in Maryland.

Half of the active district judges in our State are now women. I chuckle when I recall the late Supreme Court Justice Ruth Bader Ginsburg’s comment on how many women should be on the Supreme Court, as she was only the second female Justice in the Court’s history. This is her quote:

When I’m sometimes asked ‘When will there be enough [women on the Supreme Court]?’ and I say ‘When there are nine,’ people are shocked. But there’d been nine men, and nobody’s [even] raised a question about that.

Our Federal judges in Maryland come from a wide variety of legal backgrounds, including having served as prosecutors, public defenders, private law firm attorneys, and judges in other courts. Maryland now has its first Black U.S. attorney in our State’s history, whom I was pleased, along with Senator VAN HOLLEN, to recommend to President Biden and who was unanimously confirmed by the Senate.

I believe that a more diverse court and justice system inspires the confidence of Marylanders who seek their

day in court and want to be treated fairly, with dignity and respect.

I am confident that the Senate, under the leadership of Majority Leader SCHUMER and Judiciary Chair DURBIN, will conduct a fair hearing, vetting, and confirmation process for President Biden’s eventual pick to replace Justice Breyer.

I look forward to working with my colleagues in the Senate over the coming months to give full and fair consideration to President Biden’s nominee to replace Justice Breyer in order to fill the upcoming vacancy on the Supreme Court. I am hopeful the American people will be proud of the process that unfolds in the Senate as they watch and learn more about the Constitution and the three branches of government that interact in this unique process to select the next Justice who will dispense justice on the highest Court in our land.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSING

Mr. BROWN. Madam President, before last year, the committee I chair and one of the committees on which the Presiding Officer sits—the Banking, Housing, and Urban Affairs Committee—was far too much about Wall Street and far too little about issues that matter to people’s lives.

We have changed that. Instead of always listening to the biggest banks and their corporate lobbyists, we listen to workers and we listen to their families from all kinds of communities all over the country.

Last year, we held the committee’s first-ever worker listening session where, as hard as it was for all of us, no Senator asked questions. We just heard from witnesses. We heard from workers—about a half-dozen workers—who just told us their story.

We know that workers power our economy. We heard from workers from all kinds of backgrounds, working all kinds of jobs. Some worked for banks, others worked for large tech companies, and some for other corporations. They talked about wage theft. They talked about being laid off during a pandemic with no severance pay. They talked about the danger in their workplaces. They talked about how, in some cases, their companies busted their unions.

Their stories make it clear that the real harm the Wall Street business model does is to workers’ lives.

Yesterday, we held our second listening session, this time with renters from around the country whose homes are owned by deep-pocketed investors like corporate landlords and private equity funds.